App. F. IX-4

Previous References

Mg 13-37 1-2-8

76-38-1-5 8 9

~~*Letter References.*~~

93-7-1883-4.

Mg 100-37 (3-7)

Rev 13-38 (1-4)

1936
(Mugkai)

File No. 170-36

Serial Nos. 1 - 2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for February 1937

SUBJECT.

Appeal petition of Naranachar archak of Sri Chenpakadha ... Temple at Bannerghatta for the lands in the Khata of the deity.

Sri Narasimhan. Archak
Sri Chenpakadhama Swami temple
at Bannerghatta

WD 0418—GPB—22,500—29-8-36

No 1154 of 3.2.37

G. R. S. APP F. III—1] 193 6-7

GENERAL AND REVENUE SECRETARIAT.

(Mad)

NOTES. File No. 170 36

FILE HEADING.

Appeal petition of Naraneshar archak of — Sri Champakadhama Swamie temple - at Bannerghatta for the land in the Khane of the deity

FROM

R. Naraneshar Archak.

No. — Dated 8. 1. 37 Received 9. 1. 37

Diary No. 645 | Enclos. 2 | Spare copies — | Serial No. 1

BRIEF ABSTRACT OF LETTER

Appeals against the order of the Inam Commissioner in the matter of his right to the lands in the Khane of Sri Champakadhama Swamie at Bannerghatta Bangalore Taluk

NOTES AND ORDERS.

The temple of Sri Champakadhama Swamie at Bannerghatta, Anekal Tk is a minor Inam. Supdt of which the petr is the Archak. He is claiming proprietary rights over lands belonging to the temple & specified on page 2 of the P.U.D., These lands are the same as those filed [illegible]

NOTES—First Sheet

WD 02552—GPB—5,000—10-7-30

proceedings before Govt during the year
1932-33. Vide ex- [illegible]
to the minutes of the then Second
Member (the present Hon'ble Member of Council)
& the orders, Decrees in paras
18 to 21 in mem 139-32-8 pul ×O
ups. According to the orders the Counsel
for the petr was informed that the
appeal has been dismissed - It was P.
unheard so far - before the orders were
passed -

(2) Later on the same petr
preferred a review urging his claims
for the temple lands & praying
that he may be heard before passing
orders - The petr with his Counsel
was heard by the then 1st Member
of Council & it was held that
there were no good reasons for
reconsidering the orders already
passed on the subject. Vide
the minutes in paras 9-11 in mem R-
139-32-9 pul for reqd.
According to the Counsel for the
petr was informed - Subsequently
the same petr issued a notice
thereby a civil suit in respect
of his claim for the lands -
[illegible] ×E
[illegible] In respect of the

Petition of Nawaratna Ratna-[illegible]
the Ramanathan [illegible]
for [illegible]

General and Revenue Secretariat

1113 File No. of 1936. 7 [App. F. III—2

Serial No.

first notice he was told that Govt. find no reason to revise the order already passed in respect of the land &c (Vide Endt. no P 4356/Law 76-33-5 of 17.3.34) — The second notice was filed after perusal. (Vide [illegible]
The order in appeal, in review & in respect of the first notice to Govt. had been communicated to the M.C. & Petr. it is now clear how the M.C. admitted the appeal again on the same subject as the very outset.

(3) For orders of the Petr. attention may be drawn to Endt. no 971 of 28/12/32. No. 6 1499 of 26/6/33 Mis 139-32 Mis 139-32 of 17.3.34 to the Counsel for the Petr. & No P 4356 Law 76-33-5 of 17.3.34 on the subject.

Cps
12-1-37.

(4) Orders of the Govt. may be issued in respect of Serial No 2 above.

(5) The question for decision is whether the following is an ordinary case of [illegible] in favour of the [illegible]

NOTE—Contn Sheet

WD 0417 - GPB—80,000 - 8 9 36

There is only one paper which throws some light on this. It is archak Varadacharis petn in which he says that about 10 years ago (about 1876-77) temple servants began to alienate the lands etc. The petr's grandfr. of the present petrs about 1885 or so he brought to the notice of Govt the irregularities of these temple servants in respect of the lands —

b) Kistnaya is also invited to Govt no 2207 of 31.3.87 passing orders regarding these Sivan lands belonging to temple. from this it is clear that the occupancy right is with the temple & that the ryots hold as grantants under the temple, the rent being in the shape of service rendarable to the temple & that under that view in case the then Diwan ordered that the Palla should sh and in the hereditary service of the temple. The petitioners would be entitled to hold it & not found modified even - either in the distance of time

Varadachar
|
Ramaswamachar
|
Ramachar
|
Narasimhachar
(the present petr).

Serial No.

Yes. quite so

x Para 22 of Law 76-33 published for reps

WD 0417 -GPB—20,000 -8 9 36

6) Re: Bannerghatta temple lands

Mes File No. of 193 | General and Revenue Secretariat

Serial No.

appealed against :- As he has all along been attempting to set up a claim for the service lands belonging to the temple, the action of the lower officers in holding the lease sale of the lands is in order as there would be a breach in the lands having been allowed to remain in possession of the temple servants. vide R. -, S-a a 4 supra.

) No case is made out for reconsidering the order already passed, which we have after having heard the party and his counsel, and it is submitted that this petition may be rejected.

26/1/37.

GEN. L SECRETARIAT
27 JAN. 1937
800

L S 91
30/1

Hon'ble Members

31/1

31/1

12) 2/2/37

12)

Serial No.	
2	Endt no 1084 of 3.2.37 to Mr R. Narasimhar, Archak of Sri Chandrasekhara Dhama Swami temple at Bangalore intimating that his petition is rejected Memo no 1085 of 3.2.37 to the Muzrai Commissioner forwarding copy of the above for information —

Bo
11/2/37.

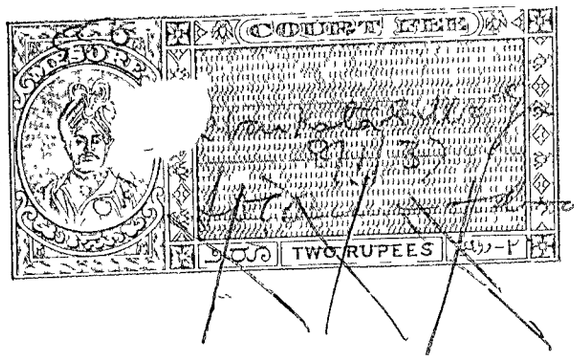
WD 0417 -GPB—20,000 -8 9 36

File No. of 193

General and Revenue Secretariat

Serial No.		

GENL. & REV. SECRETARIAT.
645
9 JAN. 1937
MUZRAI BRANCH.
GENERAL SECRETARY.
8 JAN. 1937



BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA

OF MYSORE, BANGALORE.

Muzrai Appeal No. 6 1936 - 37.

****

Appellant:

R. Naranachar, Archak of Sri Champaka-dhamaswamy temple at Banneraghatta, Anekal Tq.

-:Versus:-

Respondent:

Government of Mysore.

****

UNDER SECTION 38(2) of the Mysore Religious and Chartiable Institutions Regulation, the appellant begs to prefer this appeal against the order of the Muzrai Commissioner in Mysore, Bangalore, in Mis. Appeal No. 16 of 1935-36 - dated 10th October 1936 dismissing the appeal of the appellant regarding his right to some of lands in the khate of the aoove temple.

A copy of the order of the Muzrai Commissioner is herein enclosed.

The appeal is within time and is on - question of law.

Facts

[illegible] PROPOSE.

The [illegible]ly noted lands are the ancestral property of the appellant. The khate of these lands - originally - stood in the - name of Ramayya and after his death it was - changed to the name of his son [illegible]eswami Ghar. After his death [illegible]

[illegible]	Original survey.	Resurvey.
[illegible] yielding to Siddartha Chitte.		
[illegible]	14	97
[illegible]	37	14
[illegible]		21
[illegible]		

[illegible] 1847-7

orders on 14th December 1974 to lease out all the Inam lands belonging to the temple in public auction and give cash remuneration to all the temple servants taking over from them the lands which are at present in their possession. But the Taluk authorities took action to lease out the appellant's lands noted above. The appellant contended that these lands were Ac[illegible] Sarkari lands belonging to the appellant and not temple inam lands and that they cannot be leased out. The Deputy Commissioner rejected the petition stating that if the appellant wanted to take up the lease of the lands, he may apply to the local officers and that his application would receive due consideration. Against this order the appellant appealed to the Asst. Commissioner who dismissed the appeal. Hence the present appeal to Government.

Grounds of appeal.

1. In as much as the lands in question are the private property of the appellant, the Asst. Officers have no locus standi to pass any order regarding them.

2. Even assuming that they have jurisdiction to pass an order on the ground that the lands stand in the name of the deity, the Asst. Commissioner's order is provision for 1 year under reference to section 15 of the Act prescribes a limitation of 6 years. The appellant and his predecessors have been in the exclusive possession of the appellant and his predecessors in title for

over

time immemorial with all the antecedents of full proprietory rights, there is no limitation for the Government to interfere. These are Sarkari lands as distinct from Devadaya Inam.

3. The order of the learned Deputy Commissioner is to lease out the temple Inam land, but the Taluk authorities have taken action to lease out the appellant's lands in question which are not at all Inam but Sarkari and their action is therefore illegal. The lands in question are Hiduvali Sarkari lands and not temple Inam lands (vide Revenue records).

4. The lower officers have failed to notice that the income of these lands has never been taken into account ~~xxx~~ in framing the ~~xxxx~~ scale for the temple which circumstance clearly proves that they are privat properties of the appellant having nothing to do - with his service as Archak.

5. The mere circumstance that the lands continue to be in the khate of the Deity does not affect the legal rights of the appellant to the lands which are being enjoyed for a very long period openly, uninteruptedly and peacefully in their own right for - over the satutory period.

6. The fact that the appellant and his predecessors are also the hereditory Archaks of the temple ~~complied~~ Coupled with the circumstances mentioned in para 5 supra - has considerably prejudiced the Muzrai ~~Commissioner~~ officers in the disposal of this case.

7. There is no presumption in law that the appellant who has been enjoying the property as stated - above, is a tenant of the Deity simply because the khate stands in the name of the Deity without any -

further

further proof of the ownership on behalf of the deity.

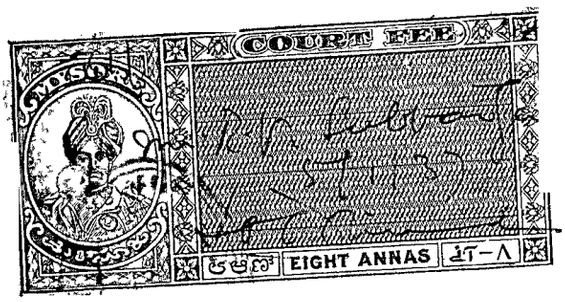
8. There was no formal enquiry at all in the case by any of the Muzrai officers regarding the ownership of the property.

9. The orders of the Deputy Commissioner and of the Muzrai Commissioner are opposed to law, equity and facts, admitted and - proved.

Therefore it is humbly prayed that the order ~~xxxxxxxxx~~ of the learned Muzrai Commissioner may be set aside and the lands - ~~owned~~ ordered to be continued in the possession and enjoyment of the appellant. It is also prayed that pending disposal of this appeal, the order of the Muzrai Commissioner may be kept in - abeyance.

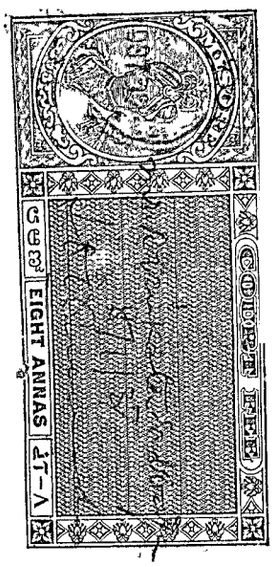
Bangalore,
8th January 1937.

[illegible]
A Venkata Rangiah
Advocate for appellant



In the Court of the Inuzrai Commissioner in Mysore, Bangalore

No Apl/L 16/1935-36.



Appellant:- R. Ramachar, archaka of the Sri Champakadamaraswami temple Aneikal Taluk

Subject

Appeal against the order of the Deputy Commissioner Bangalore District, rejecting the petition of the appellant praying that his possession of the *marginally noted lands belonging to the Sri Champakadamaswamy temple at Bannerghatta may not be interfered with.

*. Nos 97, 176, 178, 214, 221, 224 and 32 of Bannerghatta.

Facts of the Case

Sri Champakadamaswamy temple at Bannerghatta is a minor Inuzrai institution with a cash grant of Rs 260/- per year. The lands noted above had been originally endowed to the temple but are said to have been subsequently resumed and fully assessed. The Khata of the lands which stood in the name of the archak was changed to the name of the deity in about the year 1877 by the then Huzur Jamabandi Officer.

Archak Ramachar applied to the Sub Division Officer in 1921 for the first time

requesting that the lands which originally stood in the khata of the archak but subsequently changed to the name of the deity may be restored to his name. The Sub Division Officer after enquiry learnt that the lands in question belonged to the temple, that they were in the possession of people that rendered service in the temple, that in order to prevent the possibility of the temple lands being alienated they had been changed to the name of the deity from the name of the archak so far back as in the year 1877. He therefore issued an endorsement to the petitioner intimating that as the matter had been finally settled some 45 years back that nothing could be done in the matter. This order of the Sub Division Officer was confirmed by the Deputy Commissioner, the Inamdar Commissioner and finally by Government (in Inamdar Review No 14/32-33).

Subsequently, in 1934, the Deputy Commissioner, Bangalore, in connection with the revision of the temple scale ordered that all the inam lands belonging to the temple may be leased out in public auction. In pursuance of the above order action was taken to lease out the lands. The archak petitioned the Deputy Commissioner stating that he was the owner of those lands, that the mere change of khata would not affect his proprietory interests in the lands and requested that his possession of the lands may not be interfered with.

The petitioner was informed that his petition was rejected but that if he wanted to take up the lease of the lands he may apply to the local officers and that his application would receive due consideration. Hence the present appeal.

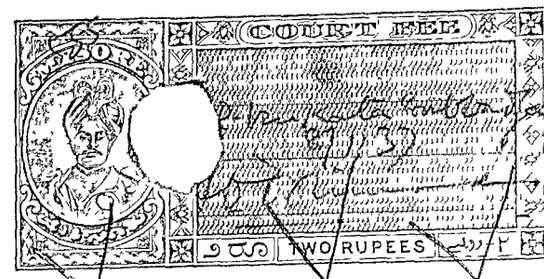
Order No Appl 16/1935-36 dt 10.10.1936

I have perused the records of the case the Deputy Commissioner's order is quite correct and proper. The appellant is only trying to retain the lands by hook or crook. The appeal is dismissed.

S/d. K.V. Ananthanarayan
Madurai Commissioner.

Copy applied on 8.1.37 by Mr R. Venkatarama Iyer
Copy ready on 8.1.37
Copy delivered on 9-1-37
No of words. 460.
Copying fees 0-10-0
Comparing fees. 0-2-6
Copied by M Ramarao
Compared by S. Thiagarajan

N Jamadagni Rao



ಘನಬಿ Government of His ಕೋರ್ಟಿಗೆ.
Highness ಶ್ರೀ Maharaja of Mysore
Bengalore

193 6 3ನೇ Munsarim Appನಂಬರು.

ವಾದಿ ~~ಅರ್ಜಿದಾರ್~~.
R. Narasimhar

ಪ್ರತಿವಾದಿ ~~ಅರ್ಜೀದಾರ್~~
Govt of Mysore.

} Vs. {

ಮ॥ ರಾ॥ ಆರ್. ವೆಂಕಟಸುಬ್ಬಯ್ಯ, B A., LL.B., ಅಡ್ವೋಕೇಟ್, ಯವರಿಗೆ
Advocate ~~ಬರಸಿಕೊಟ್ಟ~~ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಪ್ಪೆರುವರಿವಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಕಿಲ್ಲು ಮೊಬಲಗು ರೀಫಂಡು ಸ್ಟ್ಯಾಂಪು ಮೊಬಲಗು ದಸ್ತ್ಯೆವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ವಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತೇನೆ. ನನಗಾಗಿ ನೀವು ಮಾಡಬಹುದಾದ ಎಲ್ಲಾ ಕೋರ್ಟು ಖರ್ಚುಗಳಿಗೂ ಮತ್ತು ನನ್ನಿಂದ ನಿಮಗೆ ಸಲ್ಲಬೇಕಾದ ಬಾಕಿ ಫೀಜಿಗೂ ನಾನು ಬದ್ಧನಾಗಿರುವುದಲ್ಲದೆ, ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇಧೇನೆ.

ರುಜು R. Narasimhar

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮನು ರುಜು ಮಾಡಿರುತ್ತಾರೆ.
Advocate

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇಧೇನೆ.
R. Venkatasubbaiah
B.A., B.L.

ತಾರೀಖು 1/1/— 1937.

ಅಡ್ವೊಕೇಟ್ಸ್ ಬೆಂಗಳೂರು ಸಿಟಿ.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 1084
Mus 180-36-2

Bangalore, Dated [illegible]
320

Ab
KJ

ENDORSEMENT

[illegible] relative to [illegible] Indhamma [illegible] Jenkatasubbaiah, [illegible] to City.

[illegible]

1937 [illegible]

[illegible]

[illegible]

18 emo o. 1085/Mis Sec 1

ated, Bangalore, ina ebruary 1957.
325.

Copy of the foregoin is forwarded with compliments
to the Luzrai ons issioner for information.

y order,

Asst Secretary to Govt.

SUBJECT . .

Section

File No.

Serial No.

Diary No. / letter received :

1085/Mag Rm 1. P 3-2-37